

SENATE BILL 3695

By Norris

AN ACT to amend Tennessee Code Annotated, Title 3,
relative to limiting the authority of delegates to an
Article V Amendment Convention.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. As used in this act, unless the context otherwise requires:

(1) "Specific amendment" means the exact text of a potential amendment to the United States Constitution, set forth in an application of any state for a convention;

(2) "Convention" means a convention for proposing amendments applied for or called under the authority of Article V of the United States Constitution;

(3) "Qualifying application" means a resolution or application of any state calling for a convention for the sole purpose of deciding whether or not to propose the specific amendment;

(4) "Limited convention" means a convention called for by Congress upon the qualifying application of two-thirds of the states for the same specific amendment;

(5) "Unauthorized amendment" means any potential amendment considered or proposed by a limited convention other than the specific amendment; and

(6) "Delegate" means an individual elected or appointed to serve as a delegate from Tennessee to a limited convention.

SECTION 2.

(a) No delegate, while serving as a delegate from Tennessee to a limited convention, shall vote to consider, approve or propose an unauthorized amendment.

(b) Prior to receiving a certification from the secretary of state, each delegate shall take the following oath: "I do solemnly swear or affirm that I accept and shall act according to the limits of authority provided by the Uniform Limited Convention Act, and that I shall not vote to consider, approve or propose any unauthorized amendment within the meaning of such Act. I understand and accept that violating this oath may subject me to penalties provided by law."

(c) No individual shall be qualified as a candidate for the position of delegate prior to taking the oath specified in subsection (b) of this section.

(d) Any vote taken by a delegate at a limited convention in violation of subsection (a) of this section shall be void. The credentials of any delegate casting such vote shall be automatically revoked and such delegate shall be immediately disqualified from further service.

(e) It shall be the duty of every delegate to advocate that the limited convention adopt, as its first act or at the earliest opportunity, rules that shall include and be consistent with the following:

(1) The sole and exclusive purpose of the convention shall be to consider the specific amendment;

(2) Following a final vote on a motion to propose the specific amendment, the business of the convention shall immediately terminate and the convention shall dissolve; and

(3) Any unauthorized amendment proposed by the convention shall be void.

SECTION 3.

(a) A delegate who knowingly violates the oath contained in subsection (b) of Section 2 of this act shall be subject to the penalty for violating Tennessee Code Annotated, § 39-16-402, and shall forfeit all licenses to conduct business or engage in any profession that requires a license in Tennessee.

(b) This act may be enforced by the attorney general and reporter.

(c) The secretary of state shall certify in writing the selection of each delegate to the limited convention after such delegate takes the oath contained in subsection (b) of Section 2 of this act. The secretary of state shall provide a copy of the certification to each delegate and to the officers of the limited convention. No delegate shall have authority to vote or otherwise serve at the limited convention without the certification.

(d) Unless otherwise provided by law, the secretary of state shall promulgate administrative rules and regulations pursuant to Tennessee Code Annotated, title 4, chapter 5, setting out a process for selecting alternates to serve as delegates to the limited convention in the event a delegate becomes unable or ineligible to serve. If a delegate becomes ineligible to serve under the provisions of subsection (c) of Section 2, the alternate delegate shall immediately be entitled to replace the ineligible delegate and the secretary of state shall immediately certify the alternate delegate and inform the officers of the limited convention that the certification of the ineligible delegate is revoked.

(e) A challenge to the validity of any unauthorized amendment may be brought in any court of jurisdiction by any adversely affected party, including the general assembly, either house thereof, or the attorney general and reporter, or the designee of the attorney general, acting on behalf of the state.

SECTION 4.

(a) It shall not be in order for the house of representatives to consider or ratify any unauthorized amendment within the meaning of subsection (e) of Section 1 of this act as it may provide in its rules.

(b) It shall not be in order for the senate to consider or ratify any unauthorized amendment within the meaning of subsection (e) of Section 1 of this act as it may provide in its rules.

SECTION 5. This act may be cited as the Uniform Limited Convention Act.

SECTION 6. Tennessee Code Annotated, Title 3, is amended by adding Sections 1 through 5 of this act as a new chapter to be appropriately designated.

SECTION 7. For purposes of rulemaking, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2013, the public welfare requiring it.